

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SOVERAIN SOFTWARE LLC.,

Plaintiff,

v.

CDW CORPORATION, NEWEGG, INC.,
REDCATS, USA, INC., SYSTEMAX, INC.,
ZAPPOS.COM, INC., REDCATS USA,
L.P., THE SPORTSMAN'S GUIDE, INC.,
and TIGERDIRECT, INC.

Defendants.

Civil Action No. 6:07-CV-511[LED]

**DEFENDANTS REDCATS USA, L.P.'S AND
THE SPORTSMAN'S GUIDE, INC.'S UNOPPOSED MOTION TO AMEND THE
DOCKET CONTROL ORDER TO EXTEND DEADLINES**

Defendants Redcats USA, L.P., ("Redcats USA") and The Sportsman's Guide, Inc. ("The Sportsman's Guide") (collectively, "Defendants") respectfully move the Court to amend the Docket Control Order (Docket No. 86) to extend deadlines as noted below in view of a settlement reached between Defendants and Soverain Software, LLC ("Soverain"). In support of this Motion, Defendants state as follows:

1. Pursuant to the Discovery Order entered February 19, 2008 by this Court, on June 20, 2008, Defendants are required to: (1) file Invalidity Contentions under P.R. 3-3; (2) produce documents accompanying their Invalidity Contentions under and P.R. 3-4; (3) join

additional parties without leave of court; (4) assert any counterclaims without leave of Court; and (5) add any inequitable conduct allegations to pleadings without leave of Court. (collectively the “June 20, 2008 deadline”).

2. On June 9, 2008, Defendants and Sovereign entered a Patent License and Settlement Agreement (“Agreement”) in which the parties agreed to file a stipulation of dismissal wherein Sovereign will dismiss all claims asserted against the Defendants and Defendants will dismiss all counterclaims asserted against Sovereign. The parties expect to file the stipulation within the first two weeks of July 2008.

3. Because the claims and counterclaims will remain pending until the stipulation is filed, the Defendants request that the Court extend the June 20, 2008 deadline for the events set forth in Paragraph 1 up to and including July 21, 2008.

4. Defendants have addressed this request with Sovereign and Sovereign has consented to the requested extension of time.

5. This Motion is submitted in good faith and not for the purpose of delay.

WHEREFORE, for the foregoing reasons and with Plaintiff’s consent, Redcats USA and The Sportsman’s Guide respectfully request an extension of time up to and including July 21, 2008 to: (1) file Invalidity Contentions under P.R. 3-3; (2) produce documents accompanying their Invalidity Contentions under and P.R. 3-4; (3) join additional parties

without leave of court; (4) assert any counterclaims without leave of Court; and (5) add any inequitable conduct allegations to pleadings without leave of Court.

Respectfully submitted this 18th day of June 2008.

/s/ Frank W. Leak, Jr.
William H. Boice
KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, GA 30309-4530
Telephone: (404) 815-6500
Fax: (404) 815-6555
bboice@kilpatrickstockton.com

J. Steven Gardner
Tonya R. Deem
Frank W. Leak, Jr.
KILPATRICK STOCKTON LLP
1001 West 4th Street
Winston-Salem, NC 27104
Telephone: (336) 607-7300
Fax: (336) 607-7500
sgardner@kilpatrickstockton.com
tdeem@kilpatrickstockton.com
fleak@kilpatrickstockton.com

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Potter Minton, A Professional Corporation
P.O. Box 359
Tyler, Texas 75710
Telephone: (903) 597-8311
Fax: (903) 593-0846

*Attorneys for Defendants Redcats USA, L.P. and
The Sportsman's Guide, Inc.*

CERTIFICATE OF SERVICE

I herby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 18th day of June 2008. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Frank W. Leak, Jr.
Frank W. Leak, Jr.